

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

MOBILEMEDIA IDEAS LLC,)	
)	
Plaintiff,)	Civil Action No. 2:10-cv-113
)	
v.)	
)	JURY TRIAL DEMANDED
RESEARCH IN MOTION LIMITED and)	
RESEARCH IN MOTION CORPORATION)	
)	
Defendants.)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff MobileMedia Ideas LLC (“MMI”), by and through its undersigned attorneys, demands a trial by jury on all issues and hereby alleges as follows for its Complaint against Defendants Research in Motion Limited (“RIM Ltd.”) and Research in Motion Corporation (“RIM Corp.”) (collectively, “Defendants”):

PARTIES

1. Plaintiff MMI is a limited liability company organized and existing under the laws of the State of Delaware and has its principal place of business in Chevy Chase, Maryland. MMI owns the patents at issue in this litigation.

2. Defendant RIM Ltd. is a corporation organized and existing under the laws of the province of Ontario, Canada, with its principal place of business in Ontario, Canada. RIM Ltd. is engaged in the design, manufacture, marketing and sale of, among other things, smartphones including the Tour 9630 model, the 8800 series including the 8800 model, the Curve 8300 series including the Curve 8320 model, the Curve 8500 series including the Curve

8530 model, the Curve 8900 model, the Pearl series including the Pearl 8130 model, the Pearl Flip series including the Pearl Flip 8230 model, the Bold 9000 model, the Storm 9530 model and the Storm II 9550 model. RIM Ltd. sells its smartphone products in this district and throughout the United States.

3. Defendant RIM Corp. is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Irving, Texas. On information and belief RIM Corp. is a wholly owned subsidiary of RIM Ltd. and serves as a representative of RIM Ltd. for purposes of conducting business in the United States, including but not limited to offering to sell, selling and marketing in the United States smartphones including the Tour 9630 model, the 8800 series including the 8800 model, the Curve 8300 series including the Curve 8320 model, the Curve 8500 series including the Curve 8530 model, the Curve 8900 model, the Pearl series including the Pearl 8130 model, the Pearl Flip series including the Pearl Flip 8230 model, the Bold 9000 model, the Storm 9530 model and the Storm II 9550 model. RIM Corp. sells smartphone products in this district and throughout the United States.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States. MMI asserts claims for patent infringement under 35 U.S.C. §§ 271 and 281.

5. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

6. RIM Ltd. and RIM Corp. transact business in this district and are subject to personal jurisdiction and venue in this district pursuant to 28 U.S.C. § 1400(b) and 28 U.S.C. §§ 1391(c) and (d).

SUMMARY OF CLAIMS

7. This is a patent infringement action brought by MMI against Defendants for Defendants' infringement of MMI's patents.

8. MMI owns all of the patents-in-suit and offers non-exclusive licenses under the MMI patents.

9. Defendants are infringing the patents-in-suit by, among other things, making, importing, using, offering to sell and/or selling in the United States and in this judicial district Defendants' smartphone products, which employ MMI patented technology.

10. In making, importing, using, offering to sell and/or selling the infringing products, providing customers with instructions about the use of such products and continuing such acts, Defendants knew or should have known the products would be used in an infringing manner. Defendants intended to encourage this infringement and continue to do so.

FACTS

Patents-In-Suit

11. United States Patent No. 5,479,476 (the "'476 Patent") was duly and legally issued on December 26, 1995 and was assigned to MMI on January 11, 2010 for an invention entitled "Mobile telephone having groups of user adjustable operating characteristics for facilitating adjustment of several operating characteristics." Plaintiff MMI owns and holds the rights to the '476 Patent, a copy of which is attached hereto as Exhibit A.

12. United States Patent No. 5,845,219 (the "'219 Patent") was duly and legally issued on December 1, 1998 and was assigned to MMI on January 11, 2010 for an invention entitled "Mobile station having priority call altering function during silent service mode." Plaintiff MMI owns and holds the rights to the '219 Patent, a copy of which is attached

hereto as Exhibit B.

13. United States Patent No. 6,055,439 (the “’439 Patent”) was duly and legally issued on April 25, 2000 and was assigned to MMI on January 11, 2010 for an invention entitled “Mobile telephone user interface.” Plaintiff MMI owns and holds the rights to the ’439 Patent, a copy of which is attached hereto as Exhibit C.

14. United States Patent No. 6,253,075 (the “’075 Patent”) was duly and legally issued on June 26, 2001 and was assigned to MMI on January 11, 2010 for an invention entitled “Method and apparatus for incoming call rejection.” Plaintiff MMI owns and holds the rights to the ’075 Patent, a copy of which is attached hereto as Exhibit D.

15. United States Patent No. 6,427,078 (the “’078 Patent”) was duly and legally issued on July 30, 2002 and was assigned to MMI on January 11, 2010 for an invention entitled “Device for personal communications, data collection and data processing, and a circuit card.” Plaintiff MMI owns and holds the rights to the ’078 Patent, a copy of which is attached hereto as Exhibit E.

16. United States Patent No. Re. 39231 (the “’231 Patent”) was duly and legally issued on August 8, 2006 and was assigned to MMI on January 11, 2010 for an invention entitled “Communication terminal equipment and call incoming control method.” Plaintiff MMI owns and holds the rights to the ’231 Patent, a copy of which is attached hereto as Exhibit F.

17. United States Patent No. 5,732,390 (the “’390 Patent”) was duly and legally issued on March 24, 1998 and was assigned to MMI on January 11, 2010 for an invention entitled “Speech signal transmitting and receiving apparatus with noise sensitive volume control.” Plaintiff MMI owns and holds the rights to the ’390 Patent, a copy of which is attached hereto as Exhibit G.

18. United States Patent No. 5,737,394 (the “’394 Patent”) was duly and legally issued on April 7, 1998 and was assigned to MMI on January 11, 2010 for an invention entitled “Portable telephone apparatus having a plurality of selectable functions activated by the use of dedicated and/or soft keys.” Plaintiff MMI owns and holds the rights to the ’394 Patent, a copy of which is attached hereto as Exhibit H.

19. United States Patent No. 6,070,068 (the “’068 Patent”) was duly and legally issued on May 30, 2000 and was assigned to MMI on January 11, 2010 for an invention entitled “Communication terminal device and method for controlling a connecting state of a call into a desired connection state upon a predetermined operation by a user.” Plaintiff MMI owns and holds the rights to the ’068 Patent, a copy of which is attached hereto as Exhibit I.

20. United States Patent No. 6,389,301 (the “’301 Patent”) was duly and legally issued on May 14, 2002 and was assigned to MMI on January 11, 2010 for an invention entitled “Portable radio information terminal apparatus, display screen operating method, recording medium, and microcomputer apparatus.” Plaintiff MMI owns and holds the rights to the ’301 Patent, a copy of which is attached hereto as Exhibit J.

21. United States Patent No. 6,446,080 (the “’080 Patent”) was duly and legally issued on September 3, 2002 and was assigned to MMI on January 11, 2010 for an invention entitled “Method for creating, modifying, and playing a custom playlist, saved as a virtual CD, to be played by a digital audio/visual actuator device.” Plaintiff MMI owns and holds the rights to the ’080 Patent, a copy of which is attached hereto as Exhibit K.

22. United States Patent No. 7,349,012 (the “’012 Patent”) was duly and legally issued on March 25, 2008 and was assigned to MMI on January 11, 2010 for an invention entitled “Imaging apparatus with higher and lower resolution converters and a compression unit

to compress decreased resolution image data.” Plaintiff MMI owns and holds the rights to the ’012 Patent, a copy of which is attached hereto as Exhibit L.

Notice to Defendants

23. On February 16, 2010, RIM Ltd. was notified by letter that its products, including but not limited to the infringing products listed herein, have infringed and continue to infringe the patents-in-suit.

24. On February 16, 2010, RIM Corp. was notified by letter that its products, including but not limited to the infringing products listed herein, have infringed and continue to infringe the patents-in-suit.

FIRST CAUSE OF ACTION

(Infringement of the ’476 Patent)

25. MMI repeats and realleges paragraphs 1 through 24 of its Complaint as though fully set forth in this paragraph.

26. MMI is the legal owner by assignment of all rights, title and interest in and to the validly issued ’476 Patent.

27. RIM Ltd. and RIM Corp. have infringed and continue to infringe, directly or indirectly, this patent by making, using, selling, offering to sell and/or importing the following smartphones in violation of 35 U.S.C. § 271: the 8800 series including the 8800 model, the Tour 9630 model, the Curve 8300 series including the Curve 8320 model, the Curve 8500 series including the Curve 8530 model, the Curve 8900 model, the Pearl series including the Pearl 8130 model, the Pearl Flip series including the Pearl Flip 8230 model, the Bold 9000 model, the Storm 9530 model and the Storm II 9550 model.

28. RIM Ltd. and RIM Corp.'s infringement of the '476 Patent is willful and in deliberate disregard of MMI's rights under the patent.

29. As a result of Defendants' patent infringement, MMI has suffered and will continue to suffer damages and irreparable injury as Defendants continue broadly distributing their infringing devices in the marketplace.

SECOND CAUSE OF ACTION

(Infringement of the '219 Patent)

30. MMI repeats and realleges paragraphs 1 through 24 of its Complaint as though fully set forth in this paragraph.

31. MMI is the legal owner by assignment of all rights, title and interest in and to the validly issued '219 Patent.

32. RIM Ltd. and RIM Corp. have infringed and continue to infringe, directly or indirectly, this patent by making, using, selling, offering to sell and/or importing the following smartphones in violation of 35 U.S.C. § 271: the 8800 series including the 8800 model, the Tour 9630 model, the Curve 8300 series including the Curve 8320 model, the Curve 8500 series including the Curve 8530 model, the Curve 8900 model, the Pearl series including the Pearl 8130 model, the Pearl Flip series including the Pearl Flip 8230 model, the Bold 9000 model, the Storm 9530 model and Storm II 9550 model.

33. RIM Ltd. and RIM Corp.'s infringement of the '219 Patent is willful and in deliberate disregard of MMI's rights under the patent.

34. As a result of Defendants' patent infringement, MMI has suffered and will continue to suffer damages and irreparable injury as Defendants continue broadly distributing their infringing devices in the marketplace.

THIRD CAUSE OF ACTION

(Infringement of the '439 Patent)

35. MMI repeats and realleges paragraphs 1 through 24 of its Complaint as though fully set forth in this paragraph.

36. MMI is the legal owner by assignment of all rights, title and interest in and to the validly issued '439 Patent.

37. RIM Ltd. and RIM Corp. have infringed and continue to infringe, directly or indirectly, this patent by making, using, selling, offering to sell and/or importing the following smartphones in violation of 35 U.S.C. § 271: the 8800 series including the 8800 model, the Tour 9630 model, the Curve 8300 series including the Curve 8320 model, the Curve 8500 series including the Curve 8530 model, the Curve 8900 model, the Pearl series including the Pearl 8130 model, the Pearl Flip series including the Pearl Flip 8230 model, the Bold 9000 model, the Storm 9530 model and the Storm II 9550 model.

38. RIM Ltd. and RIM Corp.'s infringement of the '439 Patent is willful and in deliberate disregard of MMI's rights under the patent.

39. As a result of Defendants' patent infringement, MMI has suffered and will continue to suffer damages and irreparable injury as Defendants continue broadly distributing their infringing devices in the marketplace.

FOURTH CAUSE OF ACTION

(Infringement of the '075 Patent)

40. MMI repeats and realleges paragraphs 1 through 24 of its Complaint as though fully set forth in this paragraph.

41. MMI is the legal owner by assignment of all rights, title and interest in and to the validly issued '075 Patent.

42. RIM Ltd. and RIM Corp. have infringed and continue to infringe, directly or indirectly, this patent by making, using, selling, offering to sell and/or importing the following smartphones in violation of 35 U.S.C. § 271: the 8800 series including the 8800 model, the Tour 9630 model, the Curve 8300 series including the Curve 8320 model, the Curve 8500 series including the Curve 8530 model, the Curve 8900 model, the Pearl series including the Pearl 8130 model, the Pearl Flip series including the Pearl Flip 8230 model, the Bold 9000 model, the Storm 9530 model and the Storm II 9550 model.

43. RIM Ltd. and RIM Corp.'s infringement of the '075 Patent is willful and in deliberate disregard of MMI's rights under the patent.

44. As a result of Defendants' patent infringement, MMI has suffered and will continue to suffer damages and irreparable injury as Defendants continue broadly distributing their infringing devices in the marketplace.

FIFTH CAUSE OF ACTION

(Infringement of the '078 Patent)

45. MMI repeats and realleges paragraphs 1 through 24 of its Complaint as though fully set forth in this paragraph.

46. MMI is the legal owner by assignment of all rights, title and interest in and to the validly issued '078 Patent.

47. RIM Ltd. and RIM Corp. have infringed and continue to infringe, directly or indirectly, this patent by making, using, selling, offering to sell and/or importing the following smartphones in violation of 35 U.S.C. § 271: the Tour 9630 model, the Curve 8300 series

including the Curve 8320 model, the Curve 8500 series including the Curve 8530 model, the Curve 8900 model, the Pearl series including the Pearl 8130 model, the Pearl Flip series including the Pearl Flip 8230 model, the Bold 9000 model, the Storm 9530 model and the Storm II 9550 model.

48. RIM Ltd. and RIM Corp.'s infringement of the '078 Patent is willful and in deliberate disregard of MMI's rights under the patent.

49. As a result of Defendants' patent infringement, MMI has suffered and will continue to suffer damages and irreparable injury as Defendants continue broadly distributing their infringing devices in the marketplace.

SIXTH CAUSE OF ACTION

(Infringement of the '231 Patent)

50. MMI repeats and realleges paragraphs 1 through 24 of its Complaint as though fully set forth in this paragraph.

51. MMI is the legal owner by assignment of all rights, title and interest in and to the validly issued '231 Patent.

52. RIM Ltd. and RIM Corp. have infringed and continue to infringe, directly or indirectly, this patent by making, using, selling, offering to sell and/or importing the following smartphones in violation of 35 U.S.C. § 271: the 8800 series including the 8800 model, the Tour 9630 model, the Curve 8300 series including the Curve 8320 model, the Curve 8500 series including the Curve 8530 model, the Curve 8900 model, the Pearl series including the Pearl 8130 model, the Pearl Flip series including the Pearl Flip 8230 model, the Bold 9000 model, the Storm 9530 model and the Storm II 9550 model.

53. RIM Ltd. and RIM Corp.'s infringement of the '231 Patent is willful and in deliberate disregard of MMI's rights under the patent.

54. As a result of Defendants' patent infringement, MMI has suffered and will continue to suffer damages and irreparable injury as Defendants continue broadly distributing their infringing devices in the marketplace.

SEVENTH CAUSE OF ACTION

(Infringement of the '390 Patent)

55. MMI repeats and realleges paragraphs 1 through 24 of its Complaint as though fully set forth in this paragraph.

56. MMI is the legal owner by assignment of all rights, title and interest in and to the validly issued '390 Patent.

57. RIM Ltd. and RIM Corp. have infringed and continue to infringe, directly or indirectly, this patent by making, using, selling, offering to sell and/or importing the following smartphones in violation of 35 U.S.C. § 271: the Tour 9630 model, the Curve 8500 series including the Curve 8530 model, the Pearl series including the Pearl 8130 model, the Pearl Flip series including the Pearl Flip 8230 model, the Storm 9530 model and the Storm II 9550 model.

58. RIM Ltd. and RIM Corp.'s infringement of the '390 Patent is willful and in deliberate disregard of MMI's rights under the patent.

59. As a result of Defendants' patent infringement, MMI has suffered and will continue to suffer damages and irreparable injury as Defendants continue broadly distributing their infringing devices in the marketplace.

EIGHTH CAUSE OF ACTION

(Infringement of the '394 Patent)

60. MMI repeats and realleges paragraphs 1 through 24 of its Complaint as though fully set forth in this paragraph.

61. MMI is the legal owner by assignment of all rights, title and interest in and to the validly issued '394 Patent.

62. RIM Ltd. and RIM Corp. have infringed and continue to infringe, directly or indirectly, this patent by making, using, selling, offering to sell and/or importing the following smartphones in violation of 35 U.S.C. § 271: the 8800 series including the 8800 model, the Tour 9630 model, the Curve 8300 series including the Curve 8320 model, the Curve 8500 series including the Curve 8530 model, the Pearl Flip series including the Pearl Flip 8230 model, the Bold 9000 model, the Storm 9530 model and the Storm II 9550 model.

63. RIM Ltd. and RIM Corp.'s infringement of the '394 Patent is willful and in deliberate disregard of MMI's rights under the patent.

64. As a result of Defendants' patent infringement, MMI has suffered and will continue to suffer damages and irreparable injury as Defendants continue broadly distributing their infringing devices in the marketplace.

NINTH CAUSE OF ACTION

(Infringement of the '068 Patent)

65. MMI repeats and realleges paragraphs 1 through 24 of its Complaint as though fully set forth in this paragraph.

66. MMI is the legal owner by assignment of all rights, title and interest in and to the validly issued '068 Patent.

67. RIM Ltd. and RIM Corp. have infringed and continue to infringe, directly or indirectly, this patent by making, using, selling, offering to sell and/or importing the following smartphones in violation of 35 U.S.C. § 271: the 8800 series including the 8800 model, the Tour 9630 model, the Curve 8300 series including the 8320 model, the Curve 8500 series including the Curve 8530 model, the Curve 8900 model, the Pearl series including the Pearl 8130 model, the Pearl Flip series including the Pearl Flip 8230 model, the Bold 9000 model, the Storm 9530 model and the Storm II 9550 model.

68. RIM Ltd. and RIM Corp.'s infringement of the '068 Patent is willful and in deliberate disregard of MMI's rights under the patent.

69. As a result of Defendants' patent infringement, MMI has suffered and will continue to suffer damages and irreparable injury as Defendants continue broadly distributing their infringing devices in the marketplace.

TENTH CAUSE OF ACTION

(Infringement of the '301 Patent)

70. MMI repeats and realleges paragraphs 1 through 24 of its Complaint as though fully set forth in this paragraph.

71. MMI is the legal owner by assignment of all rights, title and interest in and to the validly issued '301 Patent.

72. RIM Ltd. and RIM Corp. have infringed and continue to infringe, directly or indirectly, this patent by making, using, selling, offering to sell and/or importing the following smartphones in violation of 35 U.S.C. § 271: the 8800 series including the 8800 model, the Tour 9630 model, the Curve 8300 series including the Curve 8320 model, the Curve 8500 series including the Curve 8530 model, the Curve 8900 model, the Pearl series including the Pearl 8130

model, the Pearl Flip series including the Pearl Flip 8230 model, the Bold 9000 model, the Storm 9530 model and the Storm II 9550 model.

73. RIM Ltd. and RIM Corp.'s infringement of the '301 Patent is willful and in deliberate disregard of MMI's rights under the patent.

74. As a result of Defendants' patent infringement, MMI has suffered and will continue to suffer damages and irreparable injury as Defendants continue broadly distributing their infringing devices in the marketplace.

ELEVENTH CAUSE OF ACTION

(Infringement of the '080 Patent)

75. MMI repeats and realleges paragraphs 1 through 24 of its Complaint as though fully set forth in this paragraph.

76. MMI is the legal owner by assignment of all rights, title and interest in and to the validly issued '080 Patent.

77. RIM Ltd. and RIM Corp. have infringed and continue to infringe, directly or indirectly, this patent by making, using, selling, offering to sell and/or importing the following smartphones in violation of 35 U.S.C. § 271: the 8800 series including the 8800 model, the Tour 9630 model, the Curve 8300 series including the Curve 8320 model, the Curve 8500 series including the Curve 8530 model, the Curve 8900 model, the Pearl series including the Pearl 8130 model, the Pearl Flip series including the Pearl Flip 8230 model, the Bold 9000 model, the Storm 9530 model and the Storm II 9550 model.

78. RIM Ltd. and RIM Corp. actively induce the infringement of this patent by providing step-by-step instructions of how to use the smartphones in an infringing manner in connection with computers using the Media Manager software provided in the smartphone

packaging (“packaged software”) by RIM Ltd. and/or RIM Corp. and/or on the RIM website. The instructions are found in the user guides provided with the smartphones and on the RIM website, which is referenced by the packaged software and user guides.

79. RIM Ltd. and RIM Corp. also actively induce the infringement of this patent by providing step-by-step instructions of how to use the smartphones in an infringing manner in connection with computers using the Active Sync software provided by RIM in connection with Apple’s iTunes and/or Microsoft’s Windows Media Player software. The instructions are found in the user guides provided with the smartphones and on the RIM website, which is referenced by the packaged software and user guides.

80. At least since the February 16, 2010 actual notice of infringement, RIM Ltd. and RIM Corp. knew or should have known that the smartphones would be used in an infringing manner, and RIM Ltd. and RIM Corp. intended to encourage this infringement and continue to do so.

81. RIM Ltd. and RIM Corp.’s infringement of the ’080 Patent is willful and in deliberate disregard of MMI’s rights under the patent.

82. As a result of Defendants’ patent infringement, MMI has suffered and will continue to suffer damages and irreparable injury as Defendants continue broadly distributing their infringing devices in the marketplace.

TWELFTH CAUSE OF ACTION

(Infringement of the ’012 Patent)

83. MMI repeats and realleges paragraphs 1 through 24 of its Complaint as though fully set forth in this paragraph.

84. MMI is the legal owner by assignment of all rights, title and interest in and to the validly issued '012 Patent.

85. RIM Ltd. and RIM Corp. have infringed and continue to infringe, directly or indirectly, this patent by making, using, selling, offering to sell and/or importing the following smartphones in violation of 35 U.S.C. § 271: the Tour 9630 model, the Curve 8300 series including the Curve 8320 model, the Curve 8500 series including the Curve 8530 model, the Curve 8900 model, the Pearl series including the Pearl 8130 model, the Pearl Flip series including the Pearl Flip 8230 model, the Bold 9000 model, the Storm 9530 model and the Storm II 9550 model.

86. RIM Ltd. and RIM Corp.'s infringement of the '012 Patent is willful and in deliberate disregard of MMI's rights under the patent.

87. As a result of Defendants' patent infringement, MMI has suffered and will continue to suffer damages and irreparable injury as Defendants continue broadly distributing their infringing devices in the marketplace.

WHEREFORE, MMI prays for judgment and seeks relief against RIM Ltd. and RIM Corp. as follows:

(a) That the Court find and declare that Defendants are infringing each of the patents-in-suit in violation of 35 U.S.C. § 271;

(b) That the Court find and declare that this infringement was and continues to be willful;

(c) That the Court issue a permanent injunction against further infringement of the patents-in-suit pursuant to 35 U.S.C. § 283;

(d) That the Court award Plaintiff damages adequate to compensate for the infringement of the patents-in-suit in an amount to be determined at trial, together with interest and costs as fixed by this Court; all of those damages to be enhanced in an amount up to treble the amount of compensatory damages as this Court finds proper, for example, due to Defendants' willful infringement, as provided by 35 U.S.C. § 284;

(e) That the Court find and declare this to be an exceptional case entitling Plaintiff to reasonable attorneys' fees, costs and disbursements pursuant to 35 U.S.C. § 285; and

(f) That the Court grant Plaintiff such other and further relief as this Court may deem just and proper.

Dated: March 31, 2010

Respectfully submitted,

McKOOL SMITH, P.C.

/s/ Sam Baxter

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